

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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### for October 1, 2003 PLANNING COMMISSION MEETING Revised Report

**P.A.S.:** Special Permit #1939B

**PROPOSAL:** To revise the parking layout, add additional parking spaces, and add 33,500 square feet of medical office space to the Nebraska Heart Hospital.

**LOCATION:** Southeast of the intersection of South 91<sup>st</sup> Street and Heritage Lakes Drive.

**WAIVERS:** Height waiver to exceed the maximum height of the R-3 district from 35' to 44'.

**LAND AREA:** Approximately 20.69 acres.

**CONCLUSION:** The proposed amendment and waiver to height are compatible with surrounding development and comply with the Zoning Ordinance and Comprehensive Plan.

<b>RECOMMENDATION:</b>	Conditional Approval
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#### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 1, Nebraska Heart Hospital Addition, Lancaster County, Nebraska.

**EXISTING ZONING:** R-3 Residential

**EXISTING LAND USE:** Hospital, Medical Offices

#### **SURROUNDING LAND USE AND ZONING:**

North:	R-3	Undeveloped, Day Care Facility
South:	R-3	Undeveloped
East:	R-3	Residential
West:	B-5	Regional Shopping Center



## **HISTORY:**

**January 15, 2003** - Administrative Amendment #02081 was approved revising the landscape plan, changing the layout of street trees along South 91<sup>st</sup> Street.

**April 22, 2002** - Special Permit #1939A was approved allowing an adjustment to the site boundary and site layout of Special Permit #1939.

**Nov. 5, 2001** - Appian Way Preliminary Plat #01006, Change of Zone #3320, Change of Zone #3285, Annexation #01006, and Use Permit #140 were approved.

**October 17, 2001** - Special Permit #1939 was approved allowing an 80-bed hospital and 30,000 square feet of medical office floor area.

**TRAFFIC ANALYSIS:** A vehicle “trip cap” was made part of the Andermatt/Appian Way annexation agreement. Street and other infrastructure improvements required of the developers were based upon the traffic volumes assumed in the agreement. The “trip cap” was not discussed when the original special permit for the hospital was approved; however, it does generate non-residential trips within the area covered by the annexation agreement. The proposed expansion of the medical office building represents a further reallocation of vehicle trips within this area. The vehicle trip cap is not being increased, so vehicle trips must be reallocated from other planned commercial development to the hospital.

**AESTHETIC CONSIDERATIONS:** Construction of the Heart Hospital began prior to residential development in the area. However, development of the hospital site must continue to be done in manner sensitive to surrounding residences.

## **ANALYSIS:**

1. This application was delayed two weeks at the request of the applicant to allow a waiver to height to be included as part of the application. The report has been revised to address this request in Analysis Section 2(b)5. Additionally, the recommended conditions of approval have also been revised. Staff reconsidered Conditions 1.1.2 and 1.2 which relate to documenting compliance with the trip cap. This item is discussed in Analysis Section 4.
2. Health care facilities are allowed by special permit in the R-3 district per Section 27.63.080 Permitted Special Use: Health Care Facilities. They are allowed in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-3, B-1, B-2, B-3, H-3, or I-1 zoning districts under the following conditions:



(a) Parking. Parking shall be in conformance with Chapter 27.67; additional parking requirements may be imposed. Traffic may be required to be discharged into a major street as designated in the Comprehensive Plan, or into a classified collector. No parking shall be permitted in required front or side yards; all parking shall be screened.

-The parking requirements for medical offices are one stall per 225 square feet. The proposed 63,500 square foot building requires 282 spaces. Hospitals require one space per 2.5 beds, plus one space per employee on the largest shift. SP#1939 approved an 80-bed hospital with 246 employees on the largest shift. The total number of spaces required is 560; 582 are being provided exceeding the requirement by 22 spaces.

-Drive access is provided to both South 91<sup>st</sup> Street (a minor arterial) and to Heritage Lakes Drive (a 33' wide local street).

-No parking is proposed in the required front or side yards, and the proposed screening meets Design Standards.

(b) Yard and area regulations.

(1) Buildings shall not occupy over thirty-five percent of the total land area covered by the special permit.

-The proposed buildings occupy approximately 14% of the total land area.

(2) Yards abutting a nonresidential district shall be the same as those required in said abutting district.

-The yards do not abut a nonresidential district. The site plan shows a 50' setback along S. 91<sup>st</sup> Street, which matches the setback required in the B-5 district to the west.

(3) Any yard abutting a residential district or located wholly or partially in a residential district shall be the greater of ten feet or that required in the said abutting district, plus an additional one foot setback for each one foot of height shall be provided between the yard line and the wall nearest the yard line for that portion of the building exceeding twenty feet in height.

-The setback provided for the medical office building exceeds the requirement.

(4) Required front and side yards shall be landscaped.



-Landscaping which meets the requirements for “required yards, open space areas, malls and around proposed buildings in the O-3, B-2, B-5, I-2 and I-3 districts” would be appropriate here. For every 10,000 square feet of building coverage or fraction thereof, the site must provide 4 deciduous trees with a design spread of 30' and 400 square feet of shrub coverage. The plans approved with SP#1939 met this standard, and are carried forward with this request.

(5) The City Council may increase or decrease these requirements with consideration given to both facilities and adjacent environment.

-A waiver to the maximum allowed height limit of the district is requested. The building elevations submitted show a 44' tall building, nine feet in excess of the 35' height limit of the R-3 district (the elevations are submitted for reference only; actual building design is not limited to the depictions). The proposed office building is adjacent to the Heart Hospital to the east, and the Prairie Lakes (formerly known as Appian Way) regional shopping center to the west.

The tract north across Heritage Lakes Drive is also zoned R-3, and could potentially be developed with single-family homes. However, the original phasing plan in the annexation agreement for this area and the initial concept plan for the shopping center indicated the tract would be developed with apartments. This site is not unlike others around the city where hospitals are located within residential areas, and where the hospital exceeds the height limit. This is generally an acceptable use provided an adequate transition to adjacent residential is provided. In this case, the setbacks and screening exceed requirements, and given the surrounding pattern of land use development this waiver is acceptable.

(c) The proposed health care facility shall conform to all applicable state and federal requirements.

(d) The location of health care facilities shall be readily accessible to the area served. Such facilities should be located on major streets near the center of the area to be served.

-The application for special permit #1939 indicated that this facility is intended to be a specialty heart hospital: “The Nebraska Heart Institute serves an area which is virtually statewide, but which is centered in southeast Nebraska. The location near Highway 2 is easily accessible to patients in the region...” The hospital has access to South 91<sup>st</sup> Street, which is classified as a minor arterial on the Functional Classification Map of the Comprehensive Plan.



3. This site of the hospital is within an area covered by the Andermatt/Appian Way annexation agreement. A map is attached to this report that delineates the area, and includes the phasing plan for development. The agreement stipulates a maximum vehicle trip cap based upon infrastructure improvements to support the amount of commercial floor area allowed. The P.M. peak hour trip cap is 5,283. This total number of trips is divided between the areas north and south of Highway 2 - 4,044 trips allocated to the area north of the highway, and 1,239 trips allocated south of the highway.
4. While trip generation north of the highway is below the maximum allowed with the proposed medial office expansion, it does require a reallocation of trips. That is, the additional 33,500 square feet of medical office floor area generates a given number of additional vehicle trips that must be accounted for, along with the 125,000 square feet of floor area already approved for this site. Because the trip cap of 4,044 is not being increased, the additional vehicle trips must be reallocated from somewhere else within the development. It is staff's intent to ensure that all affected parties are aware of the impact of building expansions and new commercial development relative to the trip cap, and that a running total of allocated trips be maintained.

For this reason, staff is recommending that the applicant calculate the number of p.m. peak hour trips being generated by the hospital and office building, and that this information be appended to the land use/trip generation table approved as part of the Appian Way use permit. Staff is also recommending that the applicant be required to provide this information to the parties to the Appian Way annexation agreement as part of a letter informing them of the intent of this proposed amendment.

5. Staff has been made aware that the developers of the Prairie Lakes shopping center oppose this special permit because it represents a reallocation of trips not anticipated by them. Staff's goal is to ensure that development occurs consistent with the terms of the annexation agreement and the approved use permit, and that all affected parties are advised throughout the process. Relative to the trip cap, this means ensuring that the cap is not exceeded. However, the specific allocation and reallocation of trips within the development have been assumed to be the responsibility of the original developer. If the developer intends to reserve trips for certain parcels, he can make restrictions on the use of other tracts he is selling as part of the private negotiations. In the absence of those restrictions, staff has evaluated whether the proposed use of the Heart Hospital represents any more than the average per-acre traffic generation of 4,044 trips divided over the area covered by the original annexation agreement, plus the area contemplated for commercial development that was approved as an amendment to the Comprehensive Plan in July, 2003. The proposed use does not appear to exceed that average.



In recognition of these facts, staff has deleted the original Condition 1.2 requiring proof of agreement among the parties involved. Instead, staff is recommending the applicant be required to give notice as noted previously.

6. The plan approved by SP#1939 included an area east of the hospital for future residential. The stated purpose was to provide overnight accommodations for patients and family members of patients, but neither a specific site plan nor number of units were established with the special permit. Development of any housing units would require an amendment to the special permit. The proposed parking lot east of the hospital encroaches into the housing area, reducing it by about one-half.
7. It is noted that the screening meets Design Standards, with the exception that parking lot screening is not shown. This is acceptable with the condition that it be included at the time of building permits.

### **CONDITIONS:**

#### Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
  - 1.1 Revise the site plan to show:
    - 1.1.1 The correct legal description on the site plan.
    - 1.1.2 The land use/trip generation table that is part of the Appian Way Use Permit #140A included as part of this special permit, with the table appended to include a note indicating the number p.m. peak hour vehicle trips allocated to the hospital site which includes 80 beds in 95,000 square feet of hospital floor area and 63,500 square feet of medical office floor area.
  - 1.2 Submit documentation demonstrating that the information regarding trip generation calculations for the hospital (80 beds, 95,000 square feet) and medical office building (63,500 square feet) has been provided to the parties to the Appian Way annexation agreement as part of a letter informing them of the intent of this amendment.



2. This approval permits 80-beds in 95,000 square feet of hospital floor area and 63,500 square feet of medical office floor area with a waiver to height to 44'.

General:

3. Before receiving building permits:
  - 3.1 The applicant shall submit 5 copies of the revised site plan.
  - 3.2 The operation and the premises are to comply with all applicable state and federal requirements.
  - 3.3 The construction plans comply with the approved plans.
  - 3.4 Parking lot screening must be shown.

Standard:

5. The following conditions are applicable to all requests:
  - 5.1 Before occupying the additional 33,500 square feet of medical office space allowed by this permit all development and construction is to comply with the approved plans.
  - 5.2 All privately-owned improvements, including landscaping are to be permanently maintained by the owner.
  - 5.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.



6. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

-----  
Brian Will  
Planner  
September 4, 2003

**APPLICANT/  
CONTACT**

Dan Rosenthal  
REGA Engineering Group  
5000 Central Park Drive  
Lincoln, NE 68504

**OWNER:**

Nebraska Heart Hospital, LLC  
1500 South 48<sup>th</sup> Street Suite 800  
Lincoln, NE 68506



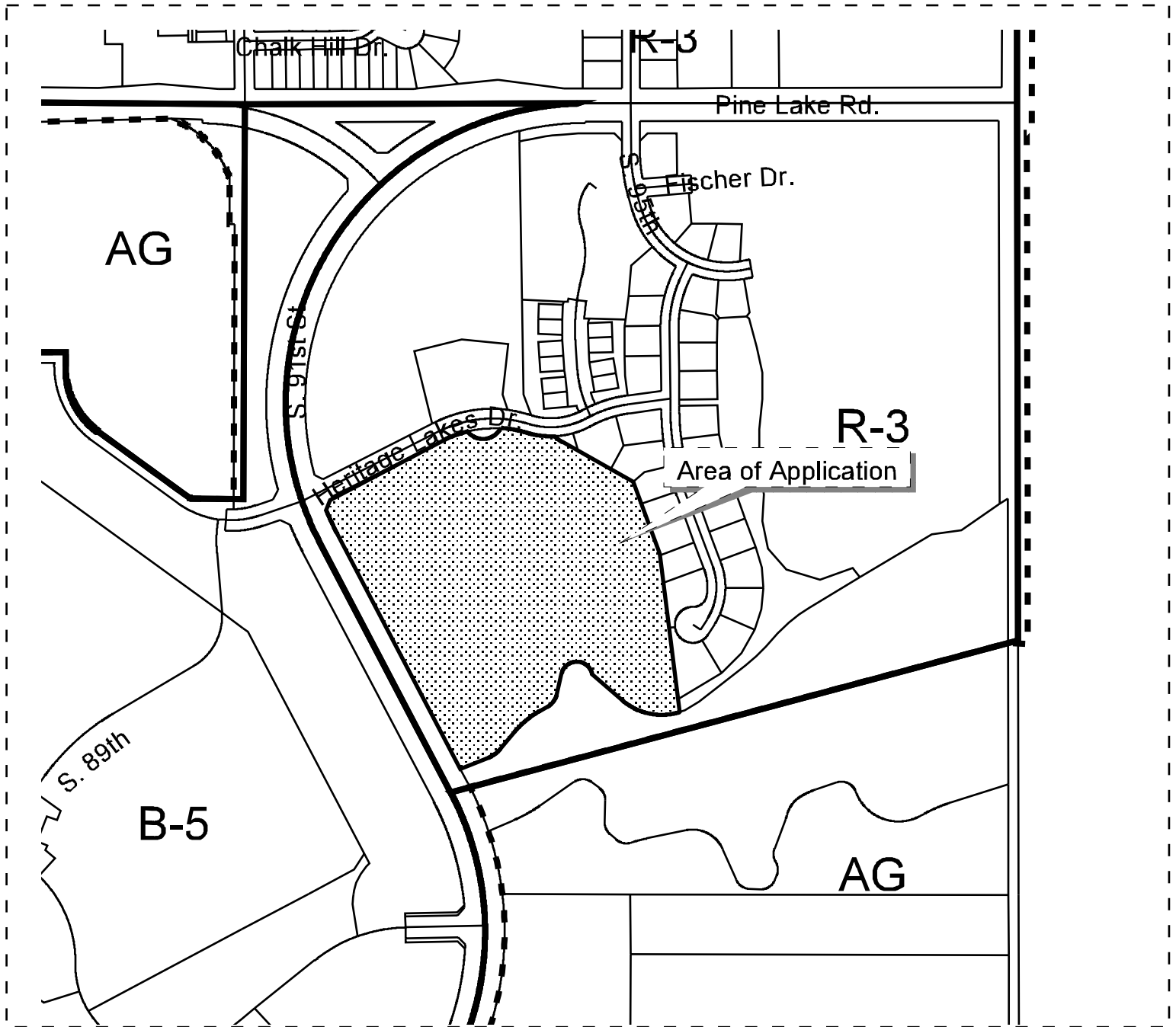


**Special Permit #1939B**  
**S. 98th & Pine Lake Rd.**  
**Nebraska Heart Hospital**



Photograph Date: 1999



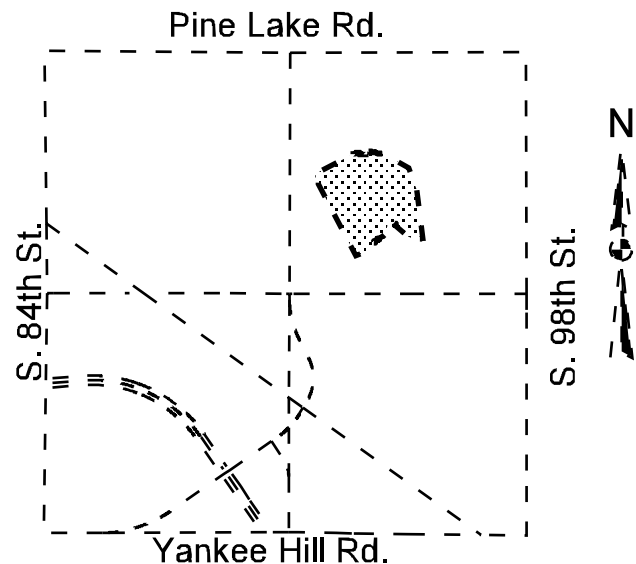
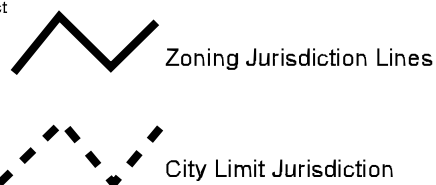


# **Special Permit #1939B** **S. 98th & Pine Lake Rd.** **Nebraska Heart Hospital**

## **Zoning:**

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
 Sec. 23 T9N R7E





**PIERSON, FITCHETT, HUNZEKER, BLAKE & KATT**  
Law Firm

Gary L. Aksamit  
William G. Blake  
Thomas J. Fitchett  
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Fax (402) 476-7465  
Telephone (402) 476-7621

September 10, 2003

Brian Will  
Planning Department  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

Re: Special Permit No. #1939A

Dear Brian:

This is confirm our conversation of a couple days ago regarding the height of the medical office building associated with the Nebraska Heart Hospital. Please process a waiver request for a height of 44 feet for the medical office building.

We understand that this will defer public hearing on the application for two weeks, from September 17 to October 1, 2003.

Thank you very much for your help.

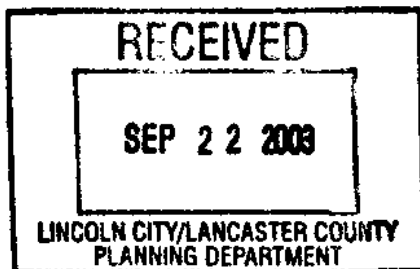
Sincerely,



Mark A. Hunzeker  
For the Firm

la

(G:\WPData\MH\Nebraska Heart Institute\Will - Planning 9-10-3.ltr.wpd)







August 21, 2003

Mr. Brian Wills  
LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT  
555 South 10<sup>th</sup> Street  
Lincoln, Nebraska 68508

RE: Nebraska Heart Institute Special Permit  
Amendment to Special Permit #1939A

Dear Brian,

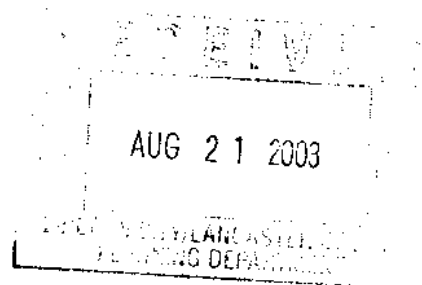
Enclosed please find 12 copies of revised site plans for the Nebraska Heart Institute and a check for the \$585.00 administrative amendment fee. We are requesting an amendment to special permit #1939A for a portion of Lot 82. Our design includes additional parking stalls and related drainage to accommodate future expansion of the Heart Institute.

Thank you for your assistance in this matter. If you have any questions or comments, please contact me at (402) 466-5000.

Sincerely,  
REGA ENGINEERING GROUP, INC.

A handwritten signature in black ink, reading "Dan Rosenthal". The signature is written in a cursive, flowing style.

Dan Rosenthal, P.E.









# NEBRASKA HEART INSTITUTE

AMENDMENT TO THE SPECIAL PERMIT #1939  
SITE PLAN

ENGINEER & PREPARED  
OLSSON ASSOCIATES  
1111 LINCOLN HALL  
LINCOLN, NE 68501  
PHONE 474-6371

OWNER & DEVELOPER  
NEBRASKA HEART INSTITUTE  
WES. SWERTY, DSOBOP  
1500 S. 48TH STREET, SUITE 800  
LINCOLN, NE 68506  
PHONE (402) 489-8555



CONSULTING ENGINEERS  
1111 PLAZA, SUITE 111  
P.O. BOX 2840  
LINCOLN, NE 68501  
402-474-6371

NEBRASKA  
HEART  
INSTITUTE

AMENDMENT  
TO THE  
SPECIAL  
PERMIT #1939

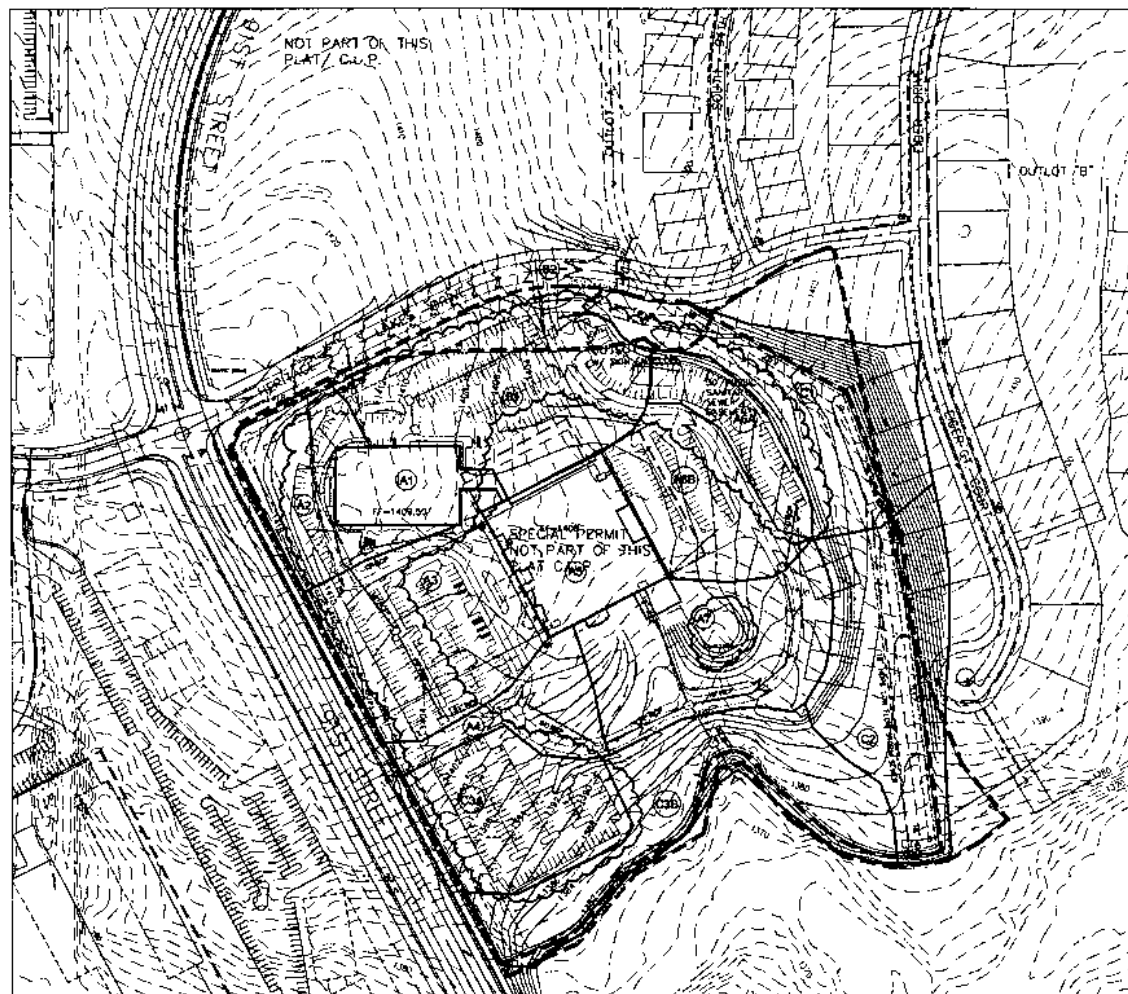
GRADING AND  
DRAINAGE PLAN

LINCOLN  
NEBRASKA  
7002

Drawn by: TMM  
Designed by: MGP  
Checked by: MGP, SC  
Approved by: MGP  
Project No: 700-0704  
Drawing No: 100239  
Revised:  
1. NEW AGE LAKES  
2. DRIVE & PARKING  
3. LAYOUT  
4. 1st - 08/24/92  
5. 2nd - 09/25/92  
6. 3rd - 08/28/93



SHEET  
2 OF 4



## LEGEND

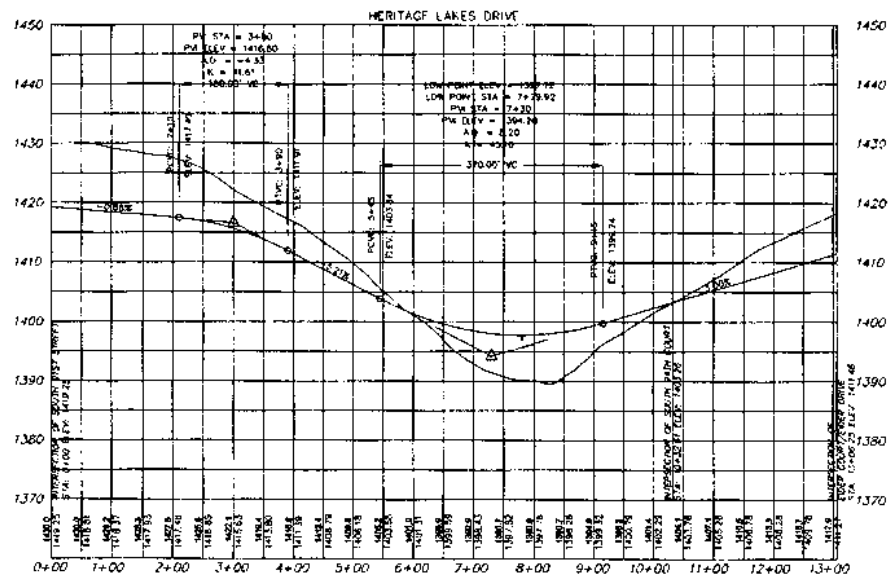
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- 67 — PROPOSED CONTOUR
- — PROPOSED DRAINAGE LINES
- — PROPOSED STORM SEWER PIPE
- — PROPOSED LOW FLOW STORM SEWER PIPE

## DEVELOPED DRAINAGE CALCULATIONS

Q = C/A Storm Frequency 5 yr, 10 yr is pump

NO.	AREA	RAIN	Q	PIPE	PIPE	PIPE	TIME	REMARKS
	(A)	(in)	(cfs)	(in)	(in)	(in)	(min)	
1	1.2	1.0	0.00	12	12	12	1.0	OUTLET TO LAKE
2	1.2	1.0	0.00	12	12	12	1.0	OUTLET TO LAKE
3	1.2	1.0	0.00	12	12	12	1.0	OUTLET TO LAKE
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86	1.2	1.0	0.00	12	12	12	1.0	OUTLET TO LAKE
87	1.2	1.0	0.00	12	12	12	1.0	OUTLET TO LAKE
88	1.2	1.0	0.00	12	12	12	1.0	OUTLET TO LAKE
89	1.2	1.0	0.00	12	12	12	1.0	OUTLET TO LAKE
90	1.2	1.0	0.00	12	12	12	1.0	OUTLET TO LAKE
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99	1.2	1.0	0.00	12	12	12	1.0	OUTLET TO LAKE
100	1.2	1.0	0.00	12	12	12	1.0	OUTLET TO LAKE





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NEBRASKA  
HEART  
INSTITUTE  
SPECIAL  
PERMIT #19398

PRELIMINARY  
STREET  
GRADES

LINCOLN  
NEBRASKA  
2002

Drawn by: TWS  
Checked by: MGP  
Reviewed by: MGP  
Project no.: 2001-0724  
Drawing no.: 100259  
Submitted  
Revision  
1st - 06/24/02  
2nd - 07/22/02



SCALE: 1"=50' HORIZ., 1"=5' VERT. ELEVATIONS ARE TOP OF CURB UNLESS STATED OTHERWISE.

SHEET  
3 OF 4



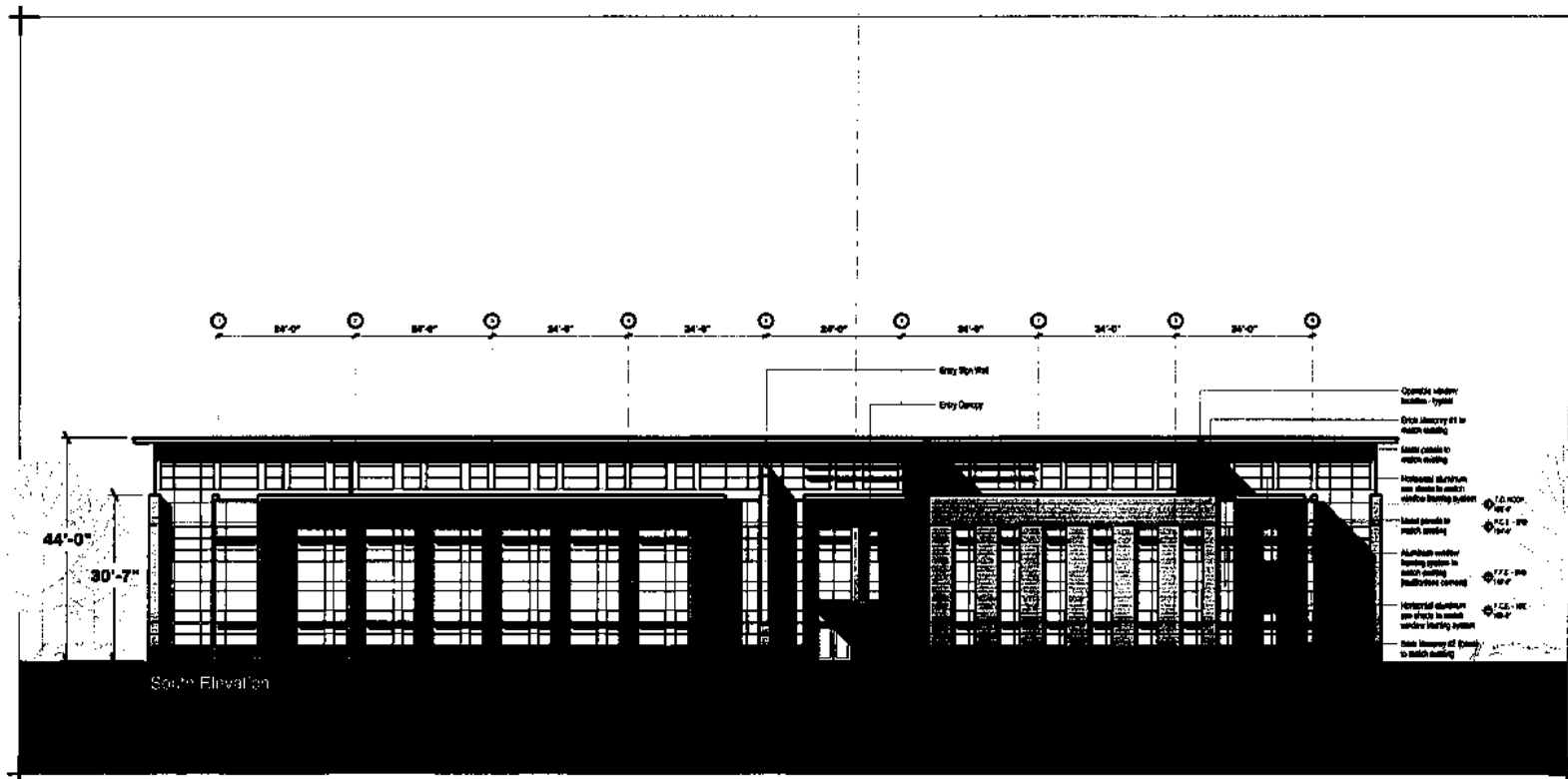




**NIH**  
National Heart Institute  
Nebraska  
Medical Office Building



SINCLAIRhille  
architects



South Elevation

Proposed NHI - Medical Office Building  
Design Development  
Date - 09.12.03

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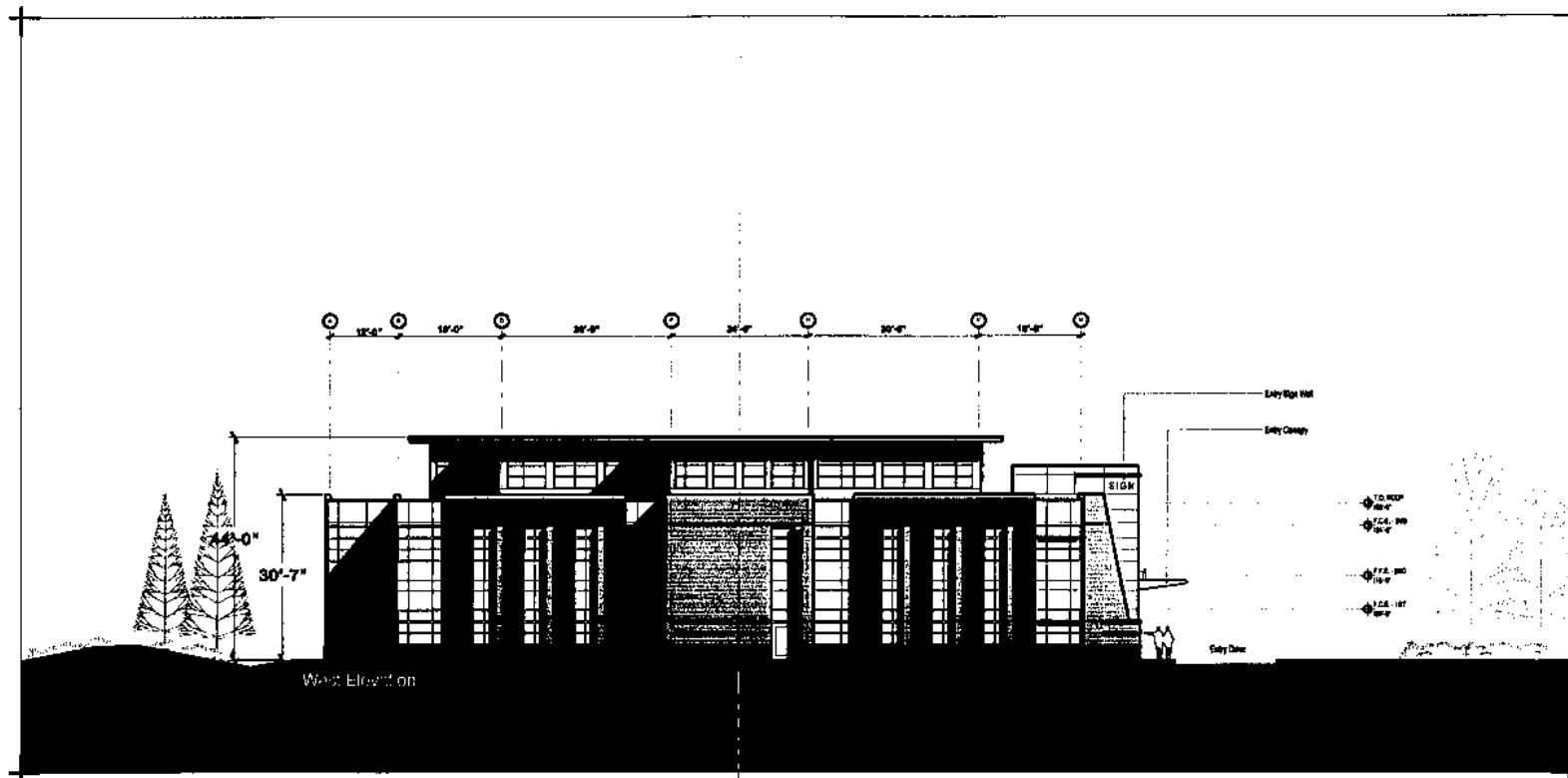
**IRVING**  
Nebraska Heart Institute  
Medical Office Building

Project Name: Nebraska Heart Institute Medical Office Building  
Project Number: 01.10.03  
Revision: 01.10.03  
Date: 09.12.03  
Design Development

A 100



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Proposed NHI - Medical Office Building  
Design Development  
Date - 08.12.03



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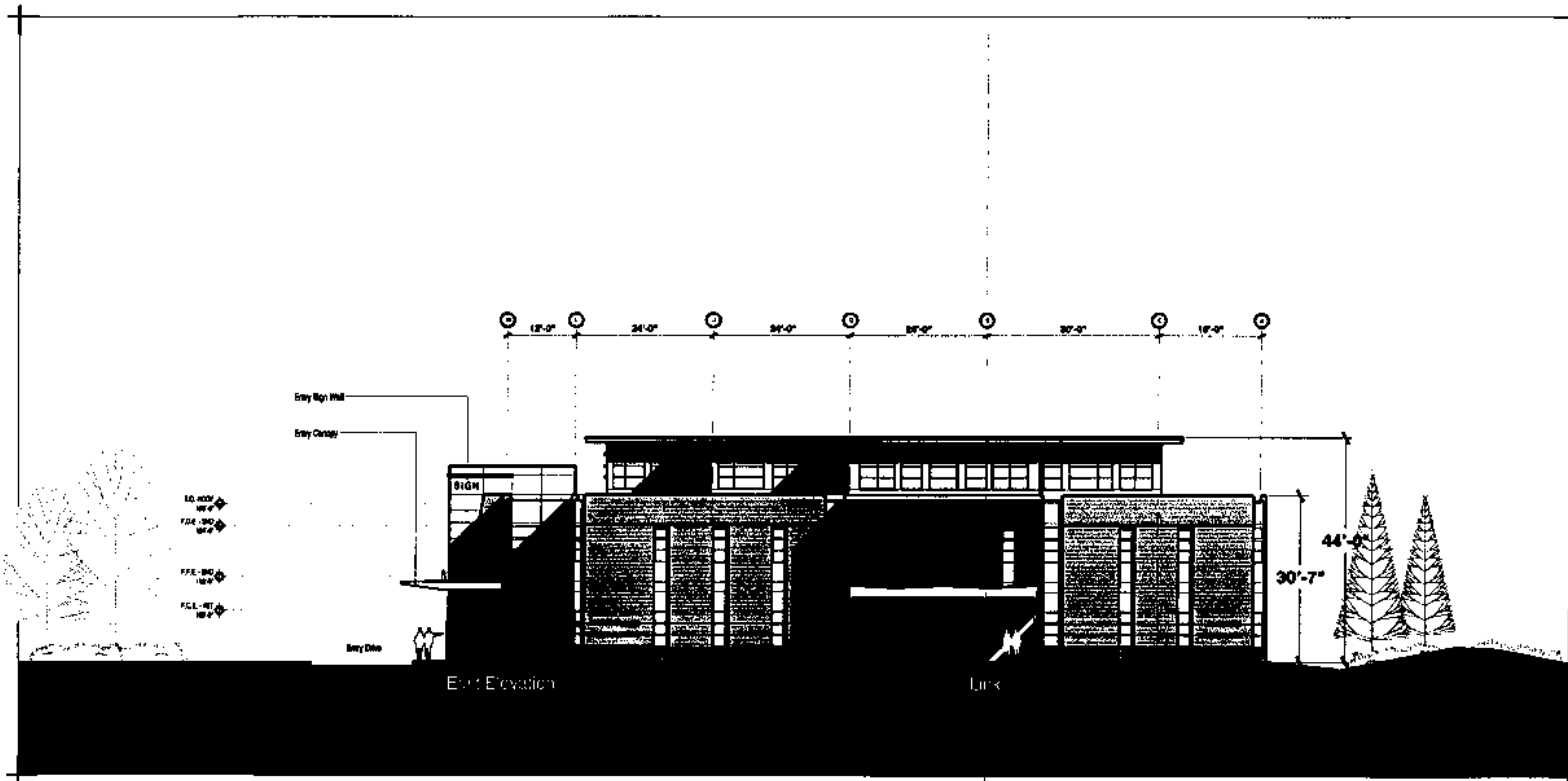
ARCHITECTS







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Proposed NHI - Medical Office Building  
Design Development  
Date - 09.12.03



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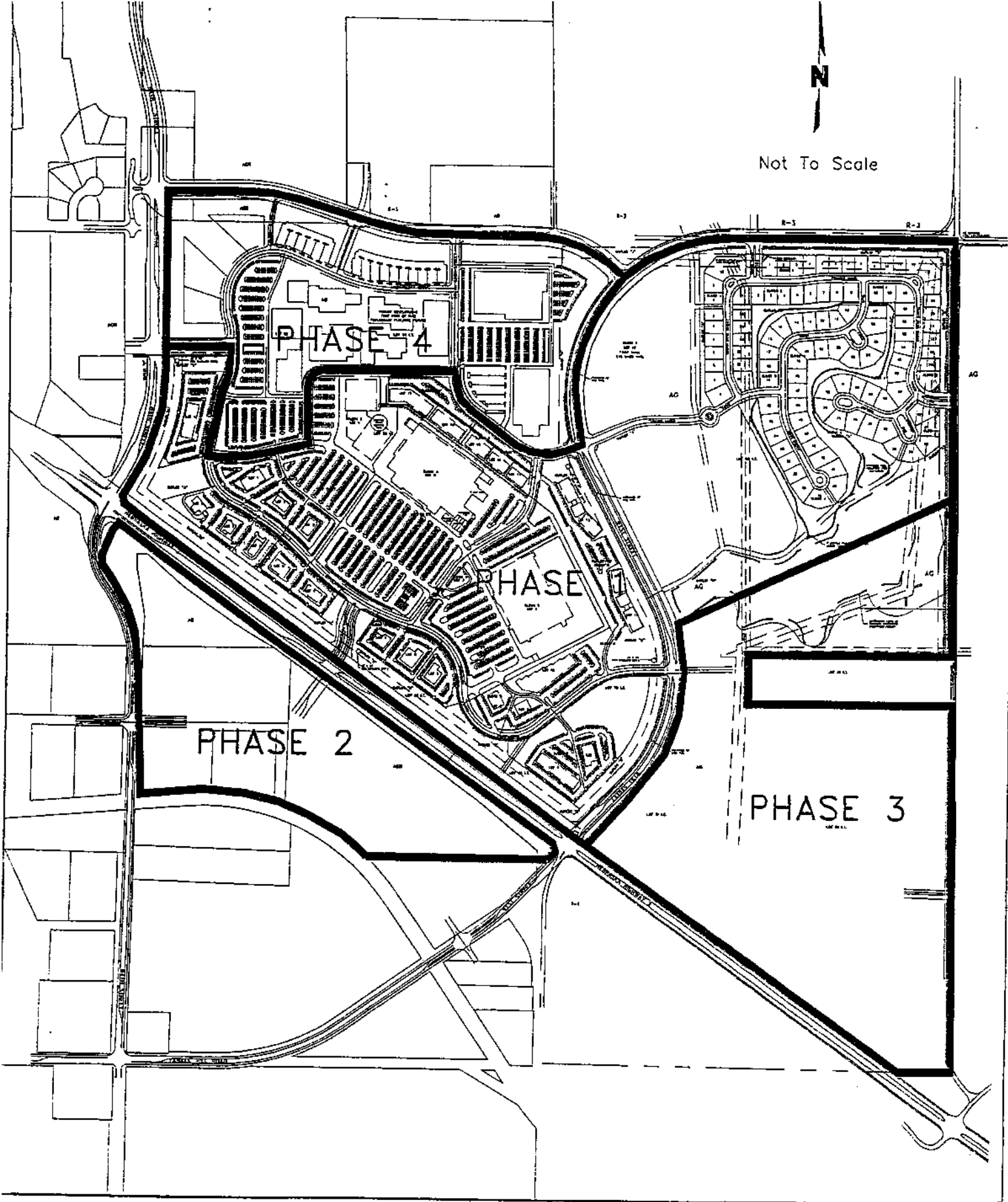
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architects

KIRCHAM MICHAEL  
CONSULTING ENGINEERS

Nebraska Heart Institute  
Medical Office Building

Project Name	Nebraska Heart Institute Medical Office Building
Project No.	01-000-00
Sheet No.	001-001
Scale	1/8" = 1'-0"
Date	09.14.03
Design Development	
Sheet Title	





84TH & HIGHWAY 2  
DEVELOPMENT PHASING

OLSSON ASSOCIATES  
CONSULTING ENGINEERS

P.O. Box 84608, Lincoln, NE 68501

8/2/01

Attachment "C"